

Article - Public Safety

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§5–133.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Facility” has the meaning stated in § 10–101 of the Health – General Article.

(3) “NICS Index” means the Federal Bureau of Investigation’s National Instant Criminal Background Check System.

(b) (1) A court shall promptly report information required in paragraph (2) of this subsection through a secure data portal approved by the Department of Public Safety and Correctional Services if a court:

(i) determines that a person is not criminally responsible under § 3–110 of the Criminal Procedure Article;

(ii) finds that a person is incompetent to stand trial under § 3–106 of the Criminal Procedure Article; or

(iii) finds under § 13–201(c) or § 13–705 of the Estates and Trust Article that a person should be under the protection of a guardian, except for cases in which the appointment of a guardian is solely a result of a physical disability.

(2) On a finding or determination under paragraph (1) of this subsection, the following information shall be reported to the NICS Index:

(i) the name and identifying information of the person; and

(ii) the date of the determination or finding.

(c) (1) A facility shall report information required in paragraph (2) of this subsection regarding a person admitted to the facility under § 10–609 of the Health – General Article or committed to the facility under Title 10, Subtitle 6, Part III of the Health – General Article to the NICS Index through a secure data portal approved by the Department of Public Safety and Correctional Services, if:

(i) the person has been admitted to a facility for 30 consecutive days or more; or

(ii) the person has been involuntarily committed to a facility.

(2) On admission to a facility the following information shall be reported to the NICS Index:

(i) the name and identifying information of the person admitted or committed;

(ii) the date the person was admitted or committed to the facility; and

(iii) the name of the facility to which the person was admitted or committed.

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